EXHIBIT

E

NO. 73,490

EX PARTE	§	IN THE CRIMINAL COURT
	§	
	§	OF APPEALS
	§	
JOHN LEZELL BALENTINE	§	AUSTIN, TEXAS

AFFIDAVIT OF KATHY GARRISON

STATE OF TEXAS   §

BEFORE ME, the undersigned authority, on this day personally appeared KATHY

GARRISON, to me well known and who, having been by me first duly sworn upon oath stated:

"My name is Kathy Garrison. I am a private investigator working for Patterson Investigations. I

have done this for over twelve years.

"I have been court appointed to assist Trial Counsel and Writ Counsel on death penalty cases

more than twenty times.

"I have been appointed as an investigator on many more felony matters. I have attended several

seminars for death penalty investigations and mitigation specialties.

"Regarding the John Balentine Capital Murder case, I was called in early March to take over for

another investigator. I was provided nothing from his files, so I am not sure what he did or didn't do.
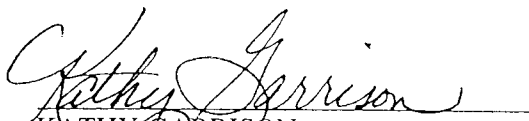
"I wanted to learn the case as quickly as possible, to locate and interview witnesses, to procure

records and documentation for my client as quickly as could be allowed given the time I had. I was only

able to confer with Trial Counsel and John during breaks in trial and after hours. It was a severe

disadvantage to be given essentially thirty days (March 11th to April 12th) to investigate the witnesses,

investigate any potentially mitigating evidence and confer with Counsel and Applicant.

"Much of the information I requested did not arrive until after the trial. Some of it was helpful

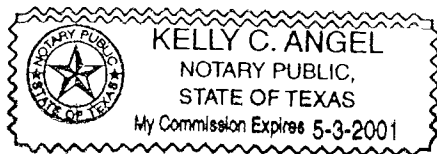for us, some not. Either way, it was too late for John Balentine to use.

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"My only question is this-would John have taken the plea bargain for life had he known what I was able to learn after the jury returned the verdict. "
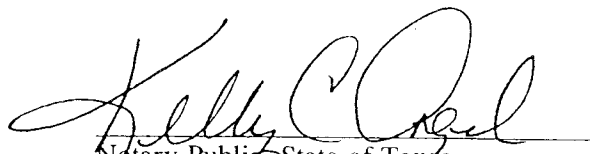
THIS STATEMENT IS TRUE AND CORRECT.

SIGNED this _18_ day of _January_, 2001.

Kathy Garrison
KATHY GARRISON

SUBSCRIBED AND SWORN TO BEFORE ME on this _18_ day of _January_, 2001, to certify which witness my hand and seal of office.

Kelly C. Angel
Notary Public, State of Texas

KELLY C. ANGEL
NOTARY PUBLIC,
STATE OF TEXAS
My Commission Expires 5-3-2001

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